

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARREN JOHNSON,

Plaintiff,

v.

Case No. 4:21-cv-12704

District Judge Shalina D. Kumar

Magistrate Judge Kimberly G. Altman

AUSTIN,

Defendant.

ORDER

**VACATING ORDER GRANTING DEFENDANT'S MOTION
FOR EXTENSION OF TIME TO FILE A RESPONSE (ECF No. 65)**

AND

DIRECTING DEFENDANT TO REMAIL HER MOTION

AND

REQUIRING PLAINTIFF TO CONFIRM HIS CURRENT ADDRESS

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Darren Johnson (Johnson), proceeding *pro se*, has filed this lawsuit alleging violations of his Eighth Amendment rights related to the treatment of his thyroid condition. *See* ECF No. 1. Following motion practice, the only remaining defendant is Austin, who was an employee of Corizon Health, Inc. during the relevant period. Under 28 U.S.C. § 636(b)(1), all pretrial matters were referred to the undersigned. (ECF No. 13).

II.

On June 22, 2023, the Court entered an amended scheduling order as to Johnson and Austin. (ECF No. 58). Under this scheduling order, discovery is due by October 22, 2023, and dispositive motions must be filed by November 22, 2023. (*Id.*).

Less than a month after the amended scheduling order was entered, on July 20, 2023, Johnson filed a motion for summary judgment as to his claims against Austin. (ECF No. 62). On August 10, 2023, Austin filed a motion asking for an extension of time to file a response to the motion and requesting that the Court defer consideration of Johnson's motion until after the close of discovery. (ECF No. 64). The Court granted this motion on August 29, 2023, after waiting for Johnson's time to respond to pass. (ECF No. 65).

A couple of weeks later, on September 13, 2023, Austin filed a statement informing the Court that her motion had been returned to her rather than delivered to Johnson. (ECF No. 66). Based on this statement and Johnson's September 15, 2023 filing, (ECF No. 67), it appears that Johnson never received Austin's motion. In light of these circumstances, the Court now VACATES its August 29, 2023 Order.

III.

Austin is DIRECTED to send a copy of her motion **within seven (7) days of**

the entry of this order to both the address listed on the docket for Johnson and the address used by Johnson in his most recent filing, which is as follows:

Richard A. Handlon Correctional Facility
1728 Bluewater Highway
Ionia, MI 48846

Johnson's response to Austin's motion for an extension of time is due fourteen (14) days from its receipt. Johnson is also REQUIRED to inform the Court of his current address at that time.

The Court will issue a new ruling on the motion for an extension of time after Johnson has an opportunity to file a response.

SO ORDERED.

Dated: September 18, 2023
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 18, 2023.

s/Carolyn Ciesla
CAROLYN CIESLA
Case Manager